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Docket No.: 927.1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Karl Erik STAHL

Serial No. 09/397,959

Group Art Unit: 2419

Confirmation No. 9455

Filed: September 17, 1999

Examiner: Duc T. Duong

For: SYSTEM AND APPARATUS FOR TELECOMMUNICATION

COMMUNICATION TO THE EXAMINER:

REQUEST FOR WITHDRAWAL OF FINAL OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a withdrawal of finality for the outstanding Office Action.

Applicant respectfully notes that the above-identified application has been pending for nearly ten years and has undergone numerous Office Actions wherein the Examiner has had ample opportunity to search for and cite applicable references related to the claimed invention.

Applicant recently filed an amendment on August 13, 2008 in which the pending claims were cancelled and new claims 14-26 were added. Applicant notes that these claims were submitted in response to the Examiner's withdrawal of allowability of certain claims after discovery of another new reference, Schuster et al, (US Patent No. 6,650,619). (See Office Action of May 14, 2008). Additionally, claims 14-26 were comprised of substantially similar subject matter, did not add new matter (as further addressed in the attached Amendment), and were instead essentially an alternate recitation of the previously claimed invention. Such claims would have been in the scope of searches previously conducted.

Applicant believes that the December 17, 2008 Office Action's rejection based on a newly asserted reference Chang et al. (US Patent 7,280,530), constitutes a new ground of rejection which was not necessitated by the amendment filed on August 13, 2008. Applicant should be provided with an opportunity to fully respond to the newly cited and applied reference and the Examiner enter and consider same, without the Applicant having to go to the additional expense to file yet another Request for Continued Examination. It is respectfully requested that the Examiner withdraw the Final Office Action in light of his newly-found reference.

Respectfully submitted,

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